

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

The Specification was objected to for containing various grammatical errors and failing to provide proper antecedent basis for the claimed subject matter.

Claims 1, 2, 4-6, 12, 14-17, 19, 22, and 26 were objected to for various informalities.

Claims 1-3, 7-8, 11-13, 19-21, and 25 were rejected under §112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 3-4, 6, 8, 10-11, 13-14, and 16-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,396,998 to Nozaki et al.

Claims 7, 9, 19, 21-22, and 24-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,396,998 to Nozaki et al.

Claims 2, 5, 12, 15, 18, 20, and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,396,998 to Nozaki et al. in view of U.S. Patent No. 6,577,811 to Kikuchi et al.

Summary of the Response to the Office Action

The Specification was amended to address the objections indicating various grammatical errors.

Claims 1, 2, 4-6, 12, 14-17, 19, 22, and 26 are amended to particularly point out and distinctly claim Applicants' invention. No claims have been canceled. Accordingly, claims 1-26 are currently pending in the instant application.

Objections to the Specification

The disclosure stands objected to because of the following informalities: There are numerous instances of grammatically incorrect phrasing in the specification, which render it difficult to understand. The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter.

It is respectfully submitted that the indicated informalities have been resolved based on the foregoing amendment to the Specification. Furthermore, Applicants respectfully submit that the meaning of the term "division timing" is apparent from the descriptive portion of the specification. For example, as described at least at page 39, lines 9-12 of the specification, the division timing may be indicated by the timing signal (Stm). Also, see FIG. 5 of the present invention. Accordingly, Applicants respectfully submit that the term "division timing" is not the boundary points of the AOBUs, as asserted by the Office Action, and the term "division timing" is fully supported by the specification and drawings. Hence, it is respectfully submitted that the specification complies with the requirement of 37 C.F.R. §1.75(d)(1).

Thus, Applicants respectfully request that the objections to the specification be withdrawn.

Objection to Claims 1-4, 6, 14, 16, 17, 19, 22, and 26

Claims 1, 4, 6, 14, 16, 17, 19, 22, and 26 stand objected to because of the following informalities: Each of the claims contains the text "an permission...." The Examiner suggests the text should read --a permission--.

Applicants have amended each of these claims as suggested by the Examiner. Therefore, Applicants respectfully request that the objections to claims 1, 4, 6, 14, 16, 17, 19, 22, and 26 be withdrawn.

Objection to Claims 2 and 12

Claims 2 and 12 stand objected to because of the following informalities: Each of the claims contains several instances of the text “after recorded”. The Examiner suggests the text should read --after being recorded--.

Applicants have amended each of these claims as suggested by the Examiner. Therefore, Applicants respectfully request that the objections to claims 2 and 12 be withdrawn.

Objection to Claims 5 and 15

Claims 5 and 15 are objected to because of the following informalities: Each of the claims contains several instances of the text “after divided”. The Examiner suggests the text should read --after being divided--.

Applicants have amended each of these claims as suggested by the Examiner. Therefore, Applicants respectfully request that the objections to claims 5 and 15 be withdrawn.

All Claims Comply with 35 U.S.C. §112, first paragraph

Claims 1-3, 7-8, 11-13, 19-21, and 25 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action contends that the claim(s) contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected,

to make and/or use the invention. In particular, the Office Action asserts that the discussion at page 2, lines 15-18 of the specification appears to be the basis for the feature of “a specification device for specifying a division timing,” as recited in independent claims 1, 11, 19 and 25.

Applicants respectfully submit that the discussion at page 2, lines 15-18 of the specification is in the section under “Description of the Related Art.” Such discussions are relevant to the present invention but the present invention is not limited by the discussion in the section under “Description of the Related Art.” Rather, at least as described beginning at page 32, line 13 of the specification, an information recording and reproduction apparatus according to one embodiment of the present invention includes a timing generator (6) and an operation unit (15), which may serve as “a specification device” as recited in the claims. Further, the operation of the operation unit (15) of an embodiment is described, for example, beginning at page 35, line 23 of the specification, which explains “specifying a division timing” as recited in the claims. Thus, Applicants respectfully submit that the feature of “a specification device for specifying a division timing,” as set forth in independent claims 1, 11, 19 and 25 is fully supported by the specification and drawings, thus enabling one skilled in the art to make and/or use the invention.

Accordingly, Applicants respectfully request that the rejection of claims 1-3, 7, 8, 11-13, 19-21 and 25 under 35 U.S.C. §112, first paragraph, be withdrawn.

All Claims Comply under 35 U.S.C. § 102(b)

Claims 1, 3-4, 6, 8, 10-11, 13-14, and 16-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,396,998 to Nozaki et al. This rejection is respectfully traversed for the following reasons.

Firstly, the present application was filed on **June 27, 2001**. Nozaki et al., however, did not issue until **May 28, 2002**. Under §102(b), the prior art reference must have been patented or published **more than one year** prior to the filing of the application for a patent. In the present case, Nozaki et al. patented more than eleven months **after** the filing of the present application. Therefore, it is respectfully submitted that Nozaki et al. does not qualify as prior art under §102(b).

Secondly, Applicants submit herewith a certified translation of the priority document Japanese Patent Application No. 2000-193401, filed on June 27, 2000 to perfect the priority date of which the present application claims priority. Therefore, it is respectfully submitted that Nozaki et al. does not qualify as prior art under §102(e) as well.

Since Nozaki et al. is no longer prior art under §102, it is respectfully submitted that Nozaki et al. does not anticipate claims 1, 3-4, 6, 8, 10-11, 13-14, and 16-17. Applicants respectfully request that the rejections to these claims be withdrawn.

All Claims Comply under 35 U.S.C. § 103(a)

Claims 7, 9, 19, 21-22, and 24-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,396,998 to Nozaki et al. Furthermore, claims 2, 5, 12, 15, 18, 20, and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,396,998 to Nozaki et al. in view of U.S. Patent No. 6,577,811 to Kikuchi et al. These rejections are respectfully traversed for the following reasons.

Nozaki et al., the primary reference, is no longer prior art against the claims of the present application as explained above. Hence, it is respectfully submitted that claims 2, 5, 7, 9,

12, 15, 18-26 are not obvious over Nozaki et al. individually or in combination with Kikuchi et al. Hence, Applicants respectfully request that the rejections to these claims be withdrawn.

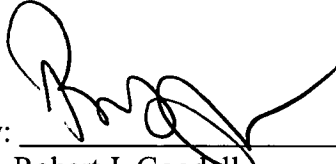
CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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